Attorney Name and Address:

Brian J. White, Esq.
4320 Iowa Street
San Diego, CA 92104

PHONE: (619) 280-8022

______ RETAINED x APPOINTED

FILED
MAY 2 2 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

TRIAL JUDGE ____________ COURT REPORTER EVA OEMICK

UNITED STATES OF AMERICA

vs.

Roberto Zamora-Espinoza

08CR412-LAB

NOTICE OF APPEAL (Criminal)

Notice is hereby given that Roberto Zamora-Espinoza, defendant/plaintiff above named, hereby appeals to the United States Court of Appeals for the Ninth Circuit from the: (check one)

( ) Final Judgment
(✓) Sentence Only (sentence imposed) 24 months
( ) Order (describe) ____________

entered in this proceeding on the 19th day of May . 2008

If a government appeal: Was the filing of this appeal approved in accordance with 18 U.S.C. §3742(b)(4) ______ Yes ______ No

Date: 5/19/2008

Signature

Transcripts required* x Yes ______ No

Date ( ) Indictment (✓) Information Filed: 2/19/2008

Bail status In Custody

Will there be a request to expedite the appeal? ______ Yes ______ No

(Note: This does not alleviate the requirement of filing a motion to expedite which must be done in accordance with FRAP 27).

* If transcript(s) required, a transcript designation and ordering form must be completed and the court reporter(s) contacted to make arrangements for transcription.

AO 245B (Rev. 9/00) Judgment in a Criminal Case
Sheet 1

FILED
08 MAY 22 PM 3:04
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA
v.
ROBERTO ZAMORA-ESPINOZA

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

Case Number: 08CR412-LAB

BRIAN J. WHITE
Defendant's Attorney

REGISTRATION NO. 59833198

☐

THE DEFENDANT:

☒ pleaded guilty to count(s) ONE OF THE INFORMATION

☐ was found guilty on count(s) ______ after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offense(s):

Title & Section	Nature of Offense	Count Number(s)
8 USC 1324(a)(2)(B)(iii) and 18 USC 2	Bringing in Illegal Aliens Without Presentation and Aiding and Abetting	1

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) ______

☐ Count(s) ______ is ☐ are ☐ dismissed on the motion of the United States.

☒ Assessment: $100.00

☒ Fine waived ☐ Property forfeited pursuant to order filed ______, included herein.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

MAY 19, 2008
Date of Imposition of Sentence

[signature]

HON. LARRY ALAN BURNS
UNITED STATES DISTRICT JUDGE

AO 245B (Rev. 9/00) Judgment in Criminal Case
Sheet 2 — Imprisonment

DEFENDANT: ROBERTO ZAMORA-ESPINOZA
CASE NUMBER: 08CR412-LAB

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of
24 MONTHS

☒ The court makes the following recommendations to the Bureau of Prisons:
THE DEFENDANT SHALL BE PLACED IN A FACILITY NEAR FRESNO, CALIFORNIA.

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at ______________ ☐ a.m. ☐ p.m. on ______________________ .

as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before ______________________________

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on ________________________ to ____________________________

at ______________________ , with a certified copy of this judgment.

____
UNITED STATES MARSHAL

By ______________________________
DEPUTY UNITED STATES MARSHAL

AO 245D (Rev. 12/03) Judgment in a Criminal Case for Revocations
Sheet 3 — Supervised Release

Judgment—Page 3 of 4

DEFENDANT: ROBERTO ZAMORA-ESPINOZA
CASE NUMBER: 08CR412-LAB

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:
3 YEARS

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

For offenses committed on or after September 13, 1994:

The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court. Testing requirements will not exceed submission of more than 4 drug tests per month during the term of supervision, unless otherwise ordered by court.

☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)

☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer pursuant to 18 USC 3583(d).

☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)

☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution obligation, it is a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in this judgment.

The defendant must comply with the standard conditions that have been adopted by this court. The defendant shall also comply with any special conditions imposed.

STANDARD CONDITIONS OF SUPERVISION

1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4) the defendant shall support his or her dependents and meet other family responsibilities;
5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

AO 245B (Rev. 9/00) Judgment in a Criminal Case
Sheet 3 — Continued 2 — Supervised Release

DEFENDANT: ROBERTO ZAMORA-ESPINOZA
CASE NUMBER: **08CR412-LAB**

SPECIAL CONDITIONS OF SUPERVISION

- [ ] Submit to a search of person, property, residence, abode or vehicle, at a reasonable time and in a reasonable manner, by the probation officer.
- [ ] Submit to a search of person, property, residence, abode or vehicle, at a reasonable time and in a reasonable manner, by the probation officer or any federal, state or local police officer.
- [ ] Not transport, harbor, or assist undocumented aliens.
- [ ] Not associate with undocumented aliens or alien smugglers.
- [x] Not reenter the United States illegally.
- [ ] Not enter the Republic of Mexico.
- [ ] Report all vehicles owned or operated, or in which you have an interest, to the probation officer.
- [ ] Not possess any narcotic drug or controlled substance without a lawful medical prescription.
- [ ] Not associate with known users of, smugglers of, or dealers in narcotics, controlled substances, or dangerous drugs in any form.
- [ ] Participate in a program of mental health treatment as directed by the probation officer, take all medications as prescribed by a psychiatrist/physician, and not discontinue any medication without permission. The Court authorizes the release of the presentence report and available psychological evaluations to the mental health provider, as approved by the probation officer.

- [ ] Take no medication containing a controlled substance without valid medical prescription, and provide proof of prescription to the probation officer, if directed.
- [ ] Participate in a mental health treatment program as directed by the probation office.
- [ ] Provide complete disclosure of personal and business financial records to the probation officer as requested.
- [ ] Be prohibited from opening checking accounts or incurring new credit charges or opening additional lines of credit without approval of the probation officer.
- [ ] Seek and maintain full time employment and/or schooling or a combination of both.
- [ ] Resolve all outstanding warrants within days.
- [ ] Complete hours of community service in a program approved by the probation officer within
- [ ] Reside in a Residential Reentry Center (RRC) as directed by the probation officer for a period of
- [ ] Reside in a Residential Reentry Center (RRC) as directed by the Bureau of Prisons for a period of commencing upon release from imprisonment.
- [ ] Remain in your place of residence for a period of , except while working at verifiable employment, attending religious services or undergoing medical treatment.
- [ ] Not engage in any form of telemarketing, as defined in 18 USC 2325, without the written permission of the probation officer.
- [ ] Comply with the conditions of the Home Confinement Program for a period of months and remain at your residence except for activities or employment as approved by the court or probation officer. Wear an electronic monitoring device and follow procedures specified by the probation officer. Pay the total cost of electronic monitoring services, or a portion if deemed appropriate by the probation officer.
- [ ] Participate in a program of drug or alcohol abuse treatment, including urinalysis testing and counseling, as directed by the probation officer.

MIME-Version:1.0
From:efile_information@casd.uscourts.gov
To:casd.uscourts.gov
Bcc:mgunner@cox.net, brianjwhite@sbcglobal.net, charity.renfroe@gmail.com, Carlos.Cantu@usdoj.gov, Efile.dkt.gc1@usdoj.gov, roseanna_stovall@casd.uscourts.gov, efile_Burns@casd.uscourts.gov
Message-Id:<2604351@casd.uscourts.gov>
Subject:Activity in Case 3:08-cr-00412-LAB USA v. Zamora-Espinoza Plea Entered
Content-Type: text/html

*****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.'**

U.S. District Court

Southern District of California

Notice of Electronic Filing

The following transaction was entered on 5/19/2008 at 10:32 AM PDT and filed on 5/19/2008

Case Name: USA v. Zamora-Espinoza
Case Number: 3:08-cr-412
Filer:
Document Number: 29(No document attached)

Docket Text:
Minute Entry for proceedings held before Judge Larry Alan Burns: Court accepts the plea taken before the Magistrate Judge as to defendant Roberto Zamora-Espinoza (1). P/O Report and Sentencing held on 5/19/2008 for Roberto Zamora-Espinoza (1). Count(s) 1, Bureau of Prisons for 24 months, supervised release 3 years, no fine, assessment $100.00. (Court Reporter EVA OEMICK).(Plaintiff Attorney Carlos Cantu).(Defendant Attorney Brian J. White). (tlw)

3:08-cr-412-1 Notice has been electronically mailed to:

Marilyn B Gunner mgunner@cox.net

Brian J White brianjwhite@sbcglobal.net, charity.renfroe@gmail.com

Carlos O. Cantu Carlos.Cantu@usdoj.gov, Efile.dkt.gc1@usdoj.gov

3:08-cr-412-1 Notice has been delivered by other means to:

MIME-Version:1.0
From:efile_information@casd.uscourts.gov
To:casd.uscourts.gov
Bcc:mgunner@cox.net, brianjwhite@sbcglobal.net,
charity.renfroe@gmail.com, Efile.dkt.gc2@usdoj.gov,
efile_Brooks@casd.uscourts.gov
Message-Id:<2403222@casd.uscourts.gov>
Subject:Activity in Case 3:08-mj-00299-RBB USA v. Zamora-Espinoza
Initial Appearance
Content-Type: text/html

*****NOTE TO PUBLIC ACCESS USERS*** You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.**

U.S. District Court

Southern District of California

Notice of Electronic Filing

The following transaction was entered on 2/5/2008 at 1:28 PM PST and filed on 2/4/2008

Case Name:	USA v. Zamora-Espinoza
Case Number:	3:08-mj-299
Filer:	Dft No. 1 - Roberto Zamora-Espinoza
	Dft No. 8888 - Carla Lopez-Arevalo
	Dft No. 8888 - Susana Beas-Gonzalez
Document Number:	2(No document attached)

Docket Text:

Minute Entry for proceedings held before Judge Ruben B. Brooks: Initial Appearance on complaint as to Defendant Roberto Zamora-Espinoza held on 2/4/2008. Attorney Brian J White (n/a) appointed for Defendant Roberto Zamora-Espinoza. Bond set as to Defendant Roberto Zamora-Espinoza (1) $25,000 C/CS. Financial Affidavit to be filed by 2/19/08. Arraignment on complaint of Material Witnesses Carla Lopez-Arevalo and Susana Beas-Gonzalez held on 2/4/2008. Attorney Marilyn B Gunner (n/a) appointed for Material Witnesses Susana Beas-Gonzalez, Raul Gonzalez-Rodriguez (n/a), and Carla Lopez-Arevalo. Material Witnesses Carla Lopez-Arevalo and Susana Beas-Gonzalez bail set at $5000 PS w/10 percent cash deposit, M/Ws must be able to legally remain in the U.S. and follow PTS supervision. Preliminary Hearing set for 2/19/2008 09:00 AM in Courtroom B before Magistrate Judge Ruben B. Brooks. (Tape #RBB08-1:10:51-

11:42; 2:03-2:09).(Plaintiff Attorney Carlos Cantu, AUSA).(Defendant Attorney David Peterson, FD-S/A). (jjh)

3:08-mj-299-1 Notice has been electronically mailed to:
Marilyn B Gunner mgunner@cox.net
Brian J White brianjwhite@sbcglobal.net, charity.renfroe@gmail.com
U S Attorney CR Efile.dkt.gc2@usdoj.gov

3:08-mj-299-1 Notice has been delivered by other means to:

Notice of Appeal Notification Form

To: Clerk, U.S. Court of Appeals **Date:** 05/27/08
From: U.S. District Court, Southern District of California
Subject: New Appeals Case Information & Docket Fee Notification

Case Information

Case Title: USA v. Zamora-Espinoza

U.S.D.C. No.: 08cr412 LAB U.S.D.C. Judge: Larry A Burns

Complaint/Indictment/Petition Filed: Complaint

Appealed Order Entered: 05/22/08

Notice of Appeal Filed: 05/22/08

Court Reporter: Eva Oemick

COA Status: ☐ Granted in full/part (appeal only) ☐ Denied (send clerk's file)

Docket Fee Notification

Docket Fee: ☐ Paid ☐ Not Paid ☒ No Fee Required

USA/GOVT. APPEAL: ☐ Yes ☒ No

Date F/P granted (Show Date and Attach Copy of Order): ____________

Was F/P Status Revoked? ☐ Yes ☐ No

Companion Case(s): (Please list consolidated cases, if applicable) ____________

Counsel Information

Appellant Counsel:

Brian J. White
Law Office of Brian J White

4320 Iowa Street
San Diego, CA 92104

(619)231-9188

Appellee Counsel:

Carlos O. Cantu
US Attorneys Office Southern District of CA

880 Front Street
Room 6293
San Diego, CA 92101

(619)557-7566

Counsel Status: ☐ Retained ☒ Appointed ☐ Pro Se

Appointed by: Magistrate Judge Ruben B. Brooks
(Attach copy of order/minutes)

Defendant Information

Prisoner ID Number: 59833198

Bail: ____________________
Custody: x____________________

SERVICE LIST

Counsel for Appellant(s) and Appellee(s), as listed on the previous page, have been sent copies of the following items:

x	Transmittal of U.S.C.A. (Appellant and Appellee)
x	Case Information/Docketing Fee Notification Form. (Appellant Only)
x	Notice of Appeal. (Appellant, Appellee, U.S. District Judge, USPO, and Court Reporter)
x	Docket Entries (Appellant and Appellee)
x	Designation of Reporter's Transcript and Ordering Form. (Appellant Only, mailed separately)
x	Order for Time Schedule. (Criminal Only) (Appellant, Appellee, and Court Reporter)
	Magistrate Judge's Report and Recommendation
	COA Order
	F/P Order
	Minute Order
x	Other: Judgment entered 5/22/08, NEF-Sentencing Minutes entered 5/19/08, NEF-Minutes Appt. Counsel entered 2/5/08

Form Completed And Documents Served By U.S. District Court Deputy Clerk:

M. Zvers — M. Zvers

Deputy's Name — Deputy's Signature

UNITED STATES DISTRICT COURT

Southern District Of California
Office Of The Clerk
880 Front Street, Room 4290
San Diego, California 92101-8900
Phone: (619) 557-5600
Fax: (619) 702-9900

W. Samuel Hamrick, Jr.
Clerk of Court

To: Clerk, U.S. Court of Appeals
P.O. Box 193939
San Francisco, CA 94119-3939

Re: USCA No:
USDC No: 08cr412 LAB
USA v. Zamora-Espinoza

Clerk, U.S. Court of Appeals, enclosed herewith you will please find:

x	Copy of the Notice of Appeal			x		Docket Entries	
x	Case Information/Docket Fee Payment Notification Form						
x	Order for Time Schedule (Criminal)						
	Original Clerk's Record in				set(s) of		volume(s).
	Reporter's transcript's transcripts in				set(s) of		volume(s).
	Exhibits in		envelope(s)		box(es)		folders(s)
x	Judgement Order					F/P Order	
	CJA Form 20					Minute Order	
	Certificate of Record					Mandate Return	
	Magistrate Judge's Report and Recommendation						
	COA Order						
	Amended docket fee notification form						
	Order Appointing Counsel for Appeal						
x	NEF-Sentencing Minutes entered 5/19/08, NEF-Minutes Appt. Counsel entered 2/5/08						
x	Please acknowledge on the enclosed copy of this transmittal						

Sincerely yours,

W. Samuel Hamrick, Jr.
Clerk of Court

M. Zvers

Date: 05/27/08

By:____________________
Marisa Zvers, **Deputy**